



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE RULE 19-037

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Legislative Reference Bureau and the Legislative Council Staff, dated December 2014.]

1. Statutory Authority

The proposed rule meets the standard that is required to submit a petition under s. 227.26 (4), Stats., for expedited repeal of an unauthorized rule. An “unauthorized rule” is a rule for which an agency lacks the authority to promulgate the rule due to the repeal or amendment of the law that previously authorized its promulgation.

In this case, the agency’s rulemaking authority was removed by the repeal of language in s. 111.06 (1) (c), 2013 Stats., by 2015 Wisconsin Act 1.

2. Form, Style and Placement in Administrative Code

In the plain language analysis, the last sentence of the first paragraph should be replaced with: “The language relating to all-union agreements in s. 111.06 (1) (c), 2013 Stats., was repealed by 2015 Wisconsin Act 1.”

4. Adequacy of References to Related Statutes, Rules and Forms

- a. In the introductory clause, “s. ERC 4” should be replaced with “ch. ERC 4”.
- a. In the plain language analysis, “s. ERC 4” should be replaced with “ch. ERC 4”.
- b. In SECTION 1, “s. ERC 4” should be replaced with “ch. ERC 4”.